

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Petition for Preemption of Article 52 of the San)	MB Docket No.17-91
Francisco Police Code Filed by the Multifamily)	
Broadband Council)	

Declaration of Dane Jasper

1. My name is Dane Jasper, and I am the co-founder and CEO of Sonic.net and Sonic Telecom. Our business address is 2260 Apollo Way, Santa Rosa, California, 95407.
2. Sonic was launched as a small startup from my home in 1994. It is now the largest independent Internet Service Provider (ISP) in California. I am proud that we are ranked by Consumer Reports as the #2 broadband provider in the country, and that the Electronic Frontier Foundation has given us a five-star rating for protecting our customers' privacy.
3. Until 2006, Sonic provided Internet service to residential customers by reselling Digital Subscriber Loop (DSL) service from AT&T (formerly SBC California, and before that Pacific Bell).
4. In 2006, Sonic applied for a Certificate of Public Necessity and Convenience (CPCN) from the California Public Utilities Commission in order to be certificated as a competitive local exchange carrier (CLEC). At that time, Sonic became a

member of the California Association of Competitive Telecommunications Companies (CALTEL), the CLEC association in California. I currently serve as Co-Chair of CALTEL's Board of Directors.

5. Sonic's CPCN allowed us to expand into providing telephone (voice) services as well as Internet services to residential and business customers in California. In December 2006, in conjunction with being certificated as a CLEC in California, Sonic negotiated an interconnection agreement (ICA) in order to obtain interconnection and unbundled network elements from AT&T pursuant to Sections 251 and 252 of the Telecom Act.
6. Like most CALTEL members, Sonic spent significant resources on constructing its network, but relied on leasing copper loops from AT&T to reach each customer's premise. Sonic collocated equipment in AT&T central offices in order to access these local loops, combine them with other parts of our network and back-end systems, and deployed a facilities-based UNE-Loop (UNE-L) architecture.
7. Beginning in 2008, Sonic launched this new network to begin providing voice-and-broadband services to primarily residential and very small business (VSB) customers. Today, Sonic serves tens of thousands of customers in Sonoma County, the San Francisco Bay area, Sacramento and many communities in the Los Angeles metropolitan area. Sonic also offers a number of services to medium and large business customers, such as the Golden State Warriors, Uber, Lagunitas Brewing and the Oakland Raiders. Sonic also partners with small ISPs and other wholesale customers.

8. Since 2010, Sonic has been offering residential customers a \$40 unlimited Internet and home phone service bundle. Sonic's basic Fusion product is delivered over VDSL or ADSL2+ technology, and generally delivers speeds of up to 50 Mbps depending on the distance between the customer premise and AT&T's central office. All of Sonic's residential Internet products—regardless of the technology we use to deliver the service--are \$40-\$50 per month, unlimited and uncapped. We promise customers that no matter how we deliver internet to their address, we will run the connection at its maximum speed.
9. Residential customers can also receive a discount of \$120 (\$10 per month for the first year) for becoming a Dish Network subscriber as part of an internet, phone and TV bundle.
10. In 2012, Sonic had acquired enough of a foothold in the market to file an application to expand its CPCN to include "full facilities-based services" and to begin trialing a Gigabit Fiber Fusion product in Sebastopol, California. This fiber-to-the-premise (FTTP) product uses fiber loops that are built and owned by Sonic. Following this trial, Sonic launched this service in the Northern California community of Brentwood, California.
11. In 2016, launched Gigabit Fiber services in the Sunset, Richmond and Parkside districts of San Francisco. On my blog, I commented on a report by then-President Obama that showed that San Francisco is one of the most poorly connected large cities in the country, and that Sonic was committed to helping San Franciscans get access to Internet services at gigabit speeds.

12. In order to begin constructing facilities in San Francisco, we needed to obtain building and encroachment permits as well as a Utility Conditions Permit from the city. In February of this year, we renewed our Utility Conditions Permit.
13. Residential customers in San Francisco have responded very positively to Sonic's Gigabit Fiber services, and we have seen significant and sustained demand. This includes customers in single dwelling units and well as tenants in MDUs. Sonic is not interested in negotiating any type of contract with MDU owners, nor does Sonic rely on such agreements to obtain financing for its fiber build.
14. Earlier this month, we announced that we were expanding into the surrounding San Francisco communities of the Mission district, Noe Valley, the Castro, Dolores Heights, Glen Park, Potrero Hill, and Sunnyside. Sonic has plans to begin construction in two other Bay Area cities in 2018.
15. Sonic's facilities-based fiber deployment has caused us to encounter a number of barriers that we had not previously faced with our DSL/UNE-L based services, including unreasonable delays and costs associated with access to poles, conduits, local permitting processes, and access to MDUs.
16. With regards to MDU access, by last summer we had received hundreds of orders from tenants but began encountering problems gaining access from their landlords. By early fall, we had a list of approximately 30 buildings where the property owner had refused to allow us access to the building in order to deliver service.
17. For example, at an MDU in the Richmond District in San Francisco, my team got me involved to try to resolve the situation with the building owner, who was

represented by a large property management company in the city. When I informed the building manager that Sonic had received nine requests for service and was anxious to gain access to the building to install new facilities and equipment, I was told that the building owner had had a bad experience with a Verizon Wireless antenna on the rooftop and did not want to provide access to any other providers. Despite attempts to explain and clarify the differences between the two situations, I ultimately was told by a representative of the property management firm that “the owner does not approve of installing Sonic in the building. I recommend that you not waste any more time and resources pursuing this further.”

18. In the fall of 2016, I was contacted by a member of Supervisor Mark Farrell’s staff in connection with a proposed ordinance that the Supervisor planned to introduce that would improve tenants’ abilities to obtain competitive broadband services. I contacted Sarah DeYoung, CALTEL’s Executive Director, to discuss the ordinance, and put her in contact with Supervisor Farrell’s office. Ms. DeYoung and I also discussed this issue with the CALTEL Board of Directors.
19. Following introduction of the proposed ordinance in October, I testified at the San Francisco Budget and Finance Committee hearing on the proposed ordinance on November 30, 2017. My statement in part was as follows:

“As San Francisco residents choose to subscribe to Sonic’s gigabit fiber Internet and telephone services, we’re encountering issues with multi-tenant building entry on a daily basis. While the majority of building owners see the value in having a gigabit fiber service available to their tenants, a number of building owners have refused to voluntarily allow us access to their buildings to reach residences and deliver services. High-speed internet access is essential for residents and businesses in San

Francisco and it is uniquely frustrating for residents who have gigabit fiber at their doorstep but who have been blocked from being connected by their landlord.”

20. I was pleased to see that the ordinance was unanimously approved by the Board of Supervisors and signed by the mayor in late December.
21. Since it went into effect in January of this year, Sonic has been significantly more successful in gaining access to MDUs in San Francisco. As I discussed with a reporter from the San Francisco Chronicle, the written timeline and process make it clear that “consumers should be given the choice of more than just one or two carriers.” The ordinance provides a transparent process that ensures that property owners understand their rights and obligations, and as a result, Sonic has gained access to MDUs where we had previously been refused.
22. That is why I was particularly surprised when the Multifamily Broadband Council filed two petitions at the Commission alleging that the ordinance was anti-competitive and would deter broadband deployment and harm consumer choice. As I told the same Chronicle reporter, the ordinance is “essential for competitive access. The economic harm we suffer is if we’re not allowed to enter and serve the customers who have signed up for our service.” I concluded that I believed that the petitions “just seem backward.”
23. Finally, one of the claims made in the petitions is that the ordinance forces providers to relinquish or “share” coaxial cable inside wire. Sonic’s Gigabit Fiber product is deployed by pulling fiber facilities into an MDU and running it through


building risers and conduit to deliver it to the door of each individual unit in the building where we have a request for service from the tenant.

24. I would note that access to twisted-pair telephone wire, which we use to deliver Sonic's DSL services, is not at all contested or controversial.
25. As for wire sharing, the Commission correctly determined that it is technically infeasible for two service providers to literally share inside wire without significant degradation to both their services. I also believe this is unlikely to change in the foreseeable future.

Declaration of Dane Jasper
MB 17-91

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed on May 17, 2017 at Santa Rosa, CA.



Dane Jasper
May 17, 2017